

**PUNJAB STATE POWER CORPORATION LTD
CONSUMERS GRIEVANCES REDRESSAL FORUM
P-1, WHITE HOUSE, RAJPURA COLONY ROAD, PATIALA
PHONE: 0175-2214909 ; FAX : 0175-2215908**

Appeal No: CG-53 of 2013

Instituted On: 30.04.2013

Closed On: 11.06.2013

**Sh. Sukhdeep Singh,
C/o M/s Sandhu Leather Industries,
132,Leather Complex,Kapurthala Road,
Jalandhar.**

.....Appellant

Name of Op/Division: Model Town Comml., Jalandhar.

A/c No.: **LC-78/0679**

Through

Sh. S.K. Vatta, PC

V/s

PUNJAB STATE POWER CORPORATION LTDRespondent

Through

**Er. Kewal Singh Sabharwal, ASE/OP. Model Town Comml. Divn.
Jalandhar.**

BRIEF HISTORY

The petitioner has filed an appeal No. CG-53 of 2013 against order dated 20.03.2013 of ZDSC, North Jalandhar, deciding that the amount charged on account of slowness of meter was correct and recoverable from the consumer.

The petitioner is having MS category connection bearing Account No. LC-78/679 with sanctioned load of 74.870 KW, operating under East/Comml. Sub Division, (Unit-5) Model Town, Jalandhar.

The connection of the consumer was checked by AEE/Enf.I, PSPCL, Jalandhar vide ECR No. 12/283 dated 03.11.2012 and reported that:-

The pulse of the meter blinks on the running load. On the ICD display of the meter, segments (1) & (3) found stable but segment (2) flicker. Meter was checked with LT ERS meter on running load of 21.84 KW at power factor 0.94, and meter was found running slow by 54.67%. The dial test of the meter was done and it was found that meter was showing consumption of 3 units whereas on LT ERS meter, the consumption was 6.3571456 units. It was examined and noticed that at yellow phase, the CT secondary wire joint was carbonized. After cleaning the said joint, all the three segments started showing stable. The meter was again checked with ERS meter at running load of 21.7 KW at PF 0.94, the results were within limits.

On the basis of above report, AEE/Comml. Unit-5, Jalandhar, vide memo No. 2709 dated 06.11.2012 asked the consumer to deposit Rs.2,47,684/- for slowness of meter. The meter reported slow by the Enforcement was installed in the premises of the consumer on 28.07.2012. The account was overhauled from the date of installation to the date of checking of Enf. i.e. 03.11.2012. The consumer did not agree to the amount charged and challenged it in ZDSC, Jalandhar by depositing 20% of the disputed amount.

The ZDSC heard the case on 20.03.2013 and decided that the amount charged on account of slowness of meter by 54.67%, is correct and recoverable from the consumer.

Being not satisfied with the decision of ZDSC, the consumer made an appeal in the Forum. The case of the consumer was heard by the Forum on 14.05.2013, 21.05.2013, 28.05.2013, 06.06.2013 and finally on 11.06.2013. Then the case was closed for passing speaking orders.

Proceedings:-

On 14.05.2013, PR submitted authority letter in his favour duly signed by the petitioner and the same has been taken on record.

Representative of PSPCL submitted authority letter in his favour duly signed by ASE/Op. Model Town Comml. Divn. Jalandhar and the same has been taken on record.

Representative of PSPCL submitted four copies of the reply and the same has been taken on record. One copy thereof has been handed over to the PR.

On 21.05.2013, No one appeared from petitioner side.

Representative of PSPCL submitted authority letter Memo No. 4454 dated 20.05.2013 in his favour duly signed by ASE/Op. Model town Divn. Comml. Jalandhar and the same has been taken on record.

Representative of PSPCL is directed to hand over the copy of the proceeding to the petitioner under dated signature.

On 28.05.2013, Representative of PSPCL submitted authority letter in his favour duly signed by ASE/Op. Model Town Comml. Divn. Jalandhar and the same has been taken on record.

PR submitted authority letter in his favour duly signed by the Proprietor of the firm and the same has been taken on record.

Both the parties have submitted four copies of the written arguments and the same has been taken on record. Copies of the same have been exchanged among them.

On 06.06.2013, No one appeared from both sides,

A fax message has been received on dated. 03-06-2013 from ASE/Op. Model Town Comml . Divn. Jalandhar for postponement of oral

discussion to 11/06/2013 due to family affairs. The consumer has also made similar request.

On 11.06.2013, PR contended that the case in question in respect of non-contribution of Y phase whereas other two phases is working in orders. The said Yellow phase was found carbonized and during the checking after decarbonizing the phases were found to be in order. Whereas the respondent authorities overhaul the account taking the consumption of the months of Aug., Sept. Oct. with MF of noncontributing of Y phase. But in the case in question, the facts are:-

- i) Meter in question was changed and installed from 28.07.2012 itself and the checking of the meter was done on 03.11.2012.
- ii) The billing period is monthly from 28th every month.
- iii) Therefore the period or months involved are:

A)			
August, 2011	10891	August, 2012	6902
September, 2011	14618	September, 2012	9306
October, 2011	17538	October, 2012(11357)	14920
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	Total 43047		Total 31128

It is therefore, contended as such that the account should have been overhauled taking average difference of the aforesaid consumption of the effected months with corresponding consumption of the same period which works out to be 11919 units as reflected above.

The case of the consumer is also squarely covered by the decisions of worthy Forum in case of CG-170 of 2011 dated 11.01.2012 in case of M/S Natural Hides and Skin Pvt., Ltd. Jalandhar in which case also the Y phase of the meter was not contributing, where the worthy Forum has passed orders charging the amount being the difference of relevant period with the corresponding period on the grounds that exact date of

defect cannot be ascertained. A copy of the said decision in the aforesaid case of CG-170 of 2013 is enclosed. In the case of consumer also in view of the fact that exact date on which Y phase started malfunctioning or got carbonized cannot be ascertained with any certainty, as the carbonizing of the Y phase would not or could be assumed to have taken place on the very first day of the change of the meter i.e. on 28.07.2012. It is, therefore, prayed that following the precedent of own decision of the Forum on similar facts and circumstances, the consumer be allowed relief as prayed. Our oral arguments may please be considered along-with our submission in the petition and written arguments.

Representative of PSPCL contended that the connection was checked in routine by AEE/Enf. Jalandhar on dated 3.11.12 and meter's working was found slow by 54.67% by LT ERS meter and dial test of meter, amount was charged as per slowness of meter as declared by the Enforcement as per PSPCL instructions. Contention of the PR is denied. Accuracy of the meter was checked with the LTERS meter and dial test of the meter was also done and found 54.67% slow. This meter was installed on 28.7.12. Consumption data was scrutinized and found that there is huge fall in consumption after the installation of meter i.e. 28.42% to 36.62% as compared to previous year consumption. Account of the consumer exactly overhauled by enhancing the consumption by 54.67% only for the period 8/12 to the date of checking. As slowness of meter working is declared by the Enforcement question of average consumption charged on the basis of previous year should not be arised. The above mentioned case of GC-170 of 2011 is different case. Meter of that connection was checked simply with holder no exact slowness was declared in that case. But in the present case connection is checked with LT ERS meter and dial test was done. The amount is charged is correct and recoverable.

Applicant never denied the contents of the checking report there it is clearly mentioned that meter working is slow by 54.67%. He admitted the facts and his signature being accepting the contents of the site report is available on the report. It is an established case of slowness of working of meter from the installation date of meter which can easily be seen from the consumption data, as there is huge fall from the date of installation of new meter to the date of checking.

PC further contended that the respondent authority has failed to rebut or lead evidence as to since when the Y phase was not contributing full. Having identified the no contributing Y phase the checking authority and respondent authorities have not taken into consideration the load factor of Y phase to calculate as to how much was the slowness of Y phase, since it was only Y phase which was carbonized and other two phases were found working in orders. Therefore, the checking itself lacked as to how much slowness was on Y phase and also did not take into cognizance the effect of slowness factor of Y phase. Effecting slowness Taking the comparative figures of consumption for the period Aug. Sept Oct. in 2009 & 2010, when there was noncontributing phase the consumption was 31247 and 31595 respectively. In 2009 and 2010 the figures for the consumption for the month of Sept. raised from 7555 units and 9045 units and 9014 and 10501 units in respective periods, therefore, that said consumption figure of consumption was quite comparable with Aug. and Sept. 2012 respectively. Having failed to establish the noncontributing effect of Y phase from the exact date of certainty as the carbonization cannot be assumed or presumed to have taken place on the very date of installation of meter, therefore, the only relevant factor and basis to overhaul the account would be corresponding period of the previous year, as regards, the case relied upon by the PC vide case No. GC-170 of 2011 what is relevant and similarity of facts are that despite there was no slowness factor determined in that case, a slowness of 50%

was added to the comparative consumption as the exact date of defect if any since was not found to be established and in our case the slowness factor has been taken to be 54.67%. So the case is comparable. The worthy Forum thought just and reasonable to adopt the corresponding period of consumption for overhauling the account.

Both the parties have nothing more to say and submit and the case was closed for passing speaking orders.

Observations of the Forum:-

After the perusal of petition, reply, written arguments, proceedings, oral discussions and record made available to the Forum, Forum observed as under:-

The AEE/Enf.I, Jalandhar checked the meter of the consumer with LT ERS meter on running load of 21.84 KW, PF 0.94, and meter was reported slow by 54.67%. The dial test of the meter was also conducted and consumption of 3 units was noticed on the meter, whereas it was 6.3571456 units on LT ERS meter. Thus the meter was slow by 52.81%., whereas the AEE/Enf. reported the meter slow by 54.67%. **The dial test was conducted for a very short period, which is evident from the consumption recorded on the energy meter installed in the premises of the consumer and LT ERS meter.**

The energy meter in question was installed on 28.07.2012 and checking of the meter by AEE/Enf. was done on 03.11.2012. The consumption for the period Aug.2011 to Oct.2011 is 43047 units. But for the same period of the year 2012, it is 31128 units. PR contended that account should be overhauled by taking the difference of consumption recorded during the period 08/2011 to 10/2011 and 08/2012 to 10/2012.

On the perusal of the consumption data, Forum observed that there is increase in consumption from April, 2012 to June, 2012 as compared

to consumption for the same period of previous year and thereafter the meter got defective and new meter was installed on 28.07.2012. The average increase in consumption during 04/2012 to 06/2012, when compared with same period of previous year, is 12.03%. Thus contention of the consumer for overhauling the account, on the basis of consumption of previous year is not sustainable. PR also contended that the checking authority and respondent authorities have not taken into consideration the load factor of Y phase to calculate as to how much was the slowness of Y phase, since it was only Y phase which was carbonized and other two phases were found working in orders. PR further contended that exact date on which Y phase started malfunctioning or got carbonized cannot be ascertained with any certainty, as the carbonizing of the Y phase could not be assumed to have taken place on the very first day of the change of the meter i.e. on 28.07.2012. **Forum also observed that exact date of defect in the meter cannot be ascertained without DDL report.**

Representative of PSPCL contended that there is fall in consumption by 28.42% to 36.62% as compared to previous year, after the installation of meter on 28.07.2012. The Forum observed that consumption of the consumer for the period 28.07.2012 to 03.11.2012 (date of checking of connection) was 31128 units and it was enhanced with slowness factor of 54.67% and resultant consumption was worked out as 68670 units. Thus recorded consumption got increased by 120.61%, which is not reasonable after considering the consumption recorded from the year 2009 onwards. Forum observed that consumption recorded, after the checking by the enforcement, for the period 12/2012 to 3/2013 is almost matching with the corresponding period of the year 2011 & 2012. **The average increase in consumption during 04/2012 to 06/2012, as compared to same period of previous year, is 12.03%.**

The Forum came to the conclusion that overhauling of account for the period 28.07.2012 to 03.11.2012, on the basis of consumption of corresponding period of previous year after enhancing it by 12.03%, is justified.

Decision:-

Keeping in view the petition, reply, written arguments, oral discussions, and after hearing both the parties, verifying the record produced by them and observations of Forum, Forum decides:

- To overhaul the account of the consumer from 28.07.2012 to 03.11.2012 on the basis of consumption recorded for the same period of the previous year after enhancing it by 12.03%.
- That the balance amount recoverable/refundable, if any, be recovered/refunded from/to the consumer along-with interest/surcharge as per instructions of PSPCL.
- As required under Section 19(1) & 19(1A) of Punjab State Electricity Regulatory Commission (Forum & Ombudsman) Regulation-2005, the implementation of this decision may be intimated to this office within 30 days from the date of receipt of this letter.

(Rajinder Singh)
CAO/Member

(K.S. Grewal)
Member/Independent

(Er. Ashok Goyal)
EIC/Chairman